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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
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10/665,704

09/19/2003

Joseph J. Bella

14000

6017

7590 04/24/2007  
PAUL F. DONOVAN  
ILLINOIS TOOL WORKS INC.  
3600 WEST LAKE AVENUE  
GLENVIEW, IL 60025

EXAMINER

LUGO, CARLOS

ART UNIT

PAPER NUMBER

3676

MAIL DATE

DELIVERY MODE

04/24/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

**Advisory Action  
Before the Filing of an Appeal Brief**

Application No.

10/665,704

Applicant(s)

BELLA ET AL.

Examiner

Carlos Lugo

Art Unit

3676

**--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

THE REPLY FILED 22 February 2007 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☐ The period for reply expires \_\_\_\_\_ months from the mailing date of the final rejection.  
b) ☒ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**NOTICE OF APPEAL**

2. ☐ The Notice of Appeal was filed on \_\_\_\_\_. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

**AMENDMENTS**

3. ☒ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because  
(a) ☒ They raise new issues that would require further consideration and/or search (see NOTE below);  
(b) ☐ They raise the issue of new matter (see NOTE below);  
(c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or  
(d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: See Continuation Sheet. (See 37 CFR 1.116 and 41.33(a)).


4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).  
5. ☐ Applicant's reply has overcome the following rejection(s): \_\_\_\_\_.  
6. ☐ Newly proposed or amended claim(s) \_\_\_\_\_ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).  
7. ☒ For purposes of appeal, the proposed amendment(s): a) ☒ will not be entered, or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.  
The status of the claim(s) is (or will be) as follows:  
Claim(s) allowed: \_\_\_\_\_.  
Claim(s) objected to: \_\_\_\_\_.  
Claim(s) rejected: 1, 4, 8, 9, 12 and 18-20.  
Claim(s) withdrawn from consideration: \_\_\_\_\_.

**AFFIDAVIT OR OTHER EVIDENCE**

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).  
9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing of good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).  
10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is, below or attached.

**REQUEST FOR RECONSIDERATION/OTHER**

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because:  
See Continuation Sheet.  
12. ☐ Note the attached Information Disclosure Statement(s). (PTO/SB/08) Paper No(s). \_\_\_\_\_.  
13. ☒ Other: See Continuation Sheet.

  
44 3676  
Pat. Examiner

Continuation of 3. NOTE: The fact that the follower moves in and out of the track component requires further consideration.

Continuation of 11. does NOT place the application in condition for allowance because:

The applicant argues that the new limitation that the follower moves into and out of the track component overcomes the rejection in view of Chen.

First, this limitation would requires further consideration. Second, even considering the new limitation, Chang discloses a follower that moves into and out of a track component. Chang only fails to disclose a sliding follower. Chen is used to show that it is well known in the art to provide a sliding follower. Hunt is used to show that it is well known in the art to provide guide surfaces that guide a follower to be received into a portal. These surfaces will aid the receiving of the follower into the portal regardless the position of the follower with respect to the portal. The arguments are not persuasive and the rejection is maintained.

Continuation of 13. Other: A copy of the translation of Chen document for the record is attached.

Republic of France

French National Institute of Industrial Property

Paris

Publication N 2 469 771

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PATENT APPLICATION

N 79 28318

BOX FOR STORING CASSETTE, CARTRIDGE, OR AS AN EXTENDING DRAWER

International Classification: G 11 B 23/06

Application Date: November 18, 1979

Priority Number

Publication Date: Lists N 21 of August 22, 1981

Applicant: TAI Cheh, France

Invention:

Inventor: TAI Cheh, France

Attorney: Société de protection des inventions

25, rue de Ponthieu, 75008 Paris

The present invention is that of a box used for storing a cassette, a cartridge, or as an extending drawer. This box is specifically adapted to store cassettes with magnetic tapes.

A variety of cases are available for storing cassettes, cartridges, or extending drawers, yet most of them do not offer effective protection for the magnetic tape they contain; therefore this tape becomes damaged from moisture, dust, or oxidation. Furthermore, such cases cannot be stacked on top of one another and are very difficult to categorize. Specifically, when a particular tape is needed, many cases must be opened in order to locate the needed tape, which is time-consuming and inconvenient. Even if a revolving caseholder is used for storage and classification of cassettes and cartridges, it is cumbersome and not very practical.

Consequently, this invention designs a new box that makes it possible to store cassettes, cartridges, or use for extending drawers and avoiding the inconvenience of conventional cases.

Therefore, the box is designed in accordance with the specifications of this invention and includes a case and an extractor positioned inside the case to place a cassette, a cartridge, or an extended drawer. Each case is supplied with edges and corresponding grooves intended to latch to other cases to form a single unit. Such a feature allows for an easier handling and sorting of tapes.

Another feature of the invention is that the box is equipped with the extractor, making it possible to place a cassette, a cartridge, or extended drawer inside the box, while the very same extractor could open the box to withdraw the stored cassette, cartridge, or extended drawer by simple application of pressure to the front panel of the extractor.

2        The box that is designed according to the specifications of this invention has yet another advantage: it occupies a limited space, since many of them could be latched together in forming a single storage block. The boxes designed in accordance with the description of this invention guarantee the best protection of tapes contained within.

The method of preferred production is presented as follows in relation to the invention and referring to the enclosed drawings, by way of a non-restrictive example, where:

- Figure 1 is the external top view, in perspective, of the box designed per specifications of this invention;
- Figure 2 is the external top view, in perspective, of the box designed per specifications of this invention;
- Figure 3 is the view of the box designed per specifications of this invention and presenting the internal construction of its case;
- Figure 4 represents a circular flute in the bottom of the box and receiving the steel ball of the extractor;
- Figure 5 shows the way the boxes are designed per specifications of this invention so that they can be assembled together; and
- Figure 6 represents another method of assembly of the boxes designed per specifications of this invention.

As shown in figure 1, the box design described in this invention includes the case and the extractor. The higher wall 1 of the case includes two parallel rails 11 and 11' supplied on the vertical external side and on an internal inclined side each. Edge 12 is supplied with two sections of grooves 13 and 13', which are positioned between the two parallel rails. The extractor can be inserted in the interior of the case, which contains bed 3 supporting the cassette, the cartridge or the extending drawer, front panel 31 and back panel 35. A label giving description of the stored tape may be placed on front panel 31. Two extensions 32 and 32' fit in the holes formed in the two openings of a cassette placed inside the box.

Markings 33 and 33' indicate two grooves, while markings 34 and 34' indicate two slits.

As shown in figure 2, bottom side 2 of the box includes two ducts 21 and 21', while

depression 22 corresponds to rails 11 and 11' and edge 12 available on top side 1 of the case. Marking 23 indicates a tilted element. Bottom side of bed 3 receiving a cassette contains flute 36, where steel ball 28 rolls freely. Front end 37 of flute 36 is in the form of a circular loop with its outline shown in the drawing, while the back end of the flute gradually decreases in its depth.

As shown in figure 3, the internal construction of the case includes two slides 21 and 21', protrusion 25 where spring 25 is attached and plate 29, which is attached to bottom side 2. This plate has two edges folded on the top 291 and 291', which are designated to engage with two corresponding grooves 33 and 33' in bed 3 of the extractor. Opening 27 through which steel ball 28 is received is located near the edge of plate 29.

The corresponding positioning of steel ball 28 and flute 36 at the time of opening and closing of the extractor is demonstrated in figure 4. With two edges 291 and 291' of plate 29 positioned on bottom side 2 of the case and engaged with two grooves 33 and 33' of the extractor's bed 3, steel ball 28 is then blocked between opening 27 located in plate 29 and flute 36 located in the bottom side of the extractor. When the extractor is closed, steel ball 28 moves to position A at the front end 27 of flute 36 as shown in figure 4. With the slight pressure on the extractor's front panel 31, and since position B is lower than position A, the ball rolls down to position B by the force of gravity. As soon as the pressure on front panel 31 is removed, spring 26 pushes the extractor, and the ball rolls to position C, followed by rolling to position D, and finally to position G.

At this time, the extractor is projected in its maximum exit position. The cassette, the cartridge, or the extending drawer can then be easily extracted. By applying pressure to the front panel 31 forward in order to close the extractor, and since position E is lower than position D, the ball rolls until it reaches position E by force of gravity. Then it continues rolling until it reaches position F. In the meanwhile, spring 26 still pushes the extractor, which allows the ball to roll back to position A, and then stop. At this time, front panel 31 covers the case completely and thus closes the box.

Figure 5 shows the way several boxes can be connected vertically by latching ducts 21 and 21' and depression 22 in bottom side 2 of the box with rails 11 and 11' and edge 13 in the top

side 1 of the closed box, and how tilting element 23 in bottom side 2 through grooves 13 and 13' and into flute for...

[Text cut off]



## **PATENT CLAIMS**

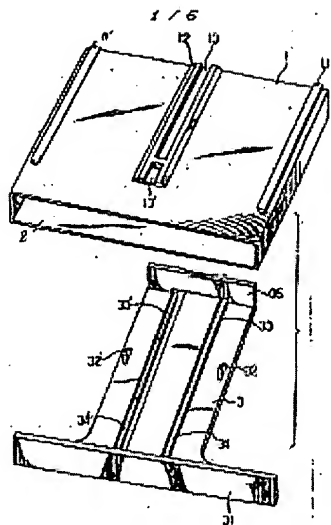
1. The box for storing a cassette, a cartridge, or an extending drawer is characterized by its construction, which includes a case supplied with rails (11, 11') and the edge (12) on the top side (1) along with ducts (21, 21') and the depression (22) corresponding with the bottom side (2) and designed to latch into assembly with other cases. It also includes an extractor placed within the said case and acting as a mechanism receiving a cassette, a cartridge, or an extending drawer. This extractor is attached to the front panel (31), which allows for an easy location of the case, and identification of the tape it contains, the back panel (35) with attached spring (26) by way of which the case is engaged. In the extractor's bottom side a flute (36) is located along with an opening in the inner bottom side (2) of the case blocking the steel ball (28). The steel ball is of a diameter sufficient to cause the extractor to move independently from the case as the extractor is projected outside the case and, therefore, performs the actions of opening and closing as a result of its interaction with the case.

2. The box specified in claim 1 is then defined by the fact that the said boxes may be placed horizontally with the help of their connectors (4), which engage with two rails (11, 11') positioned on top sides of adjacent boxes.

3. The box specified in the patent claim (1) is then defined by the fact that the said boxes are positioned by engaging ducts (21, 21') and the depression (22) located on the bottom side (2) of the box with the rails (11, 11') and edge (12) located on the top side of another box.

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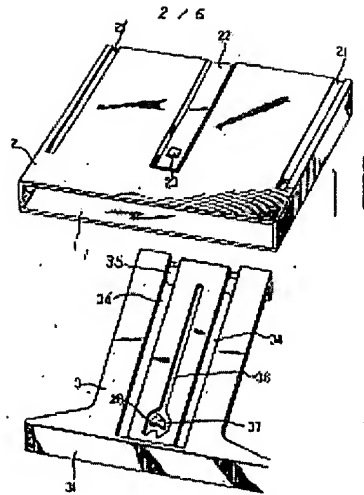


FIG. 2

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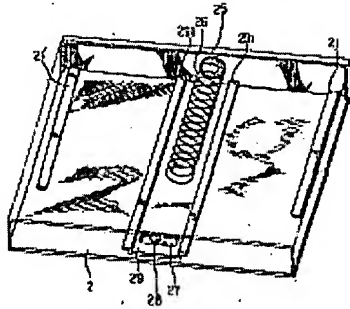


FIG. 3.

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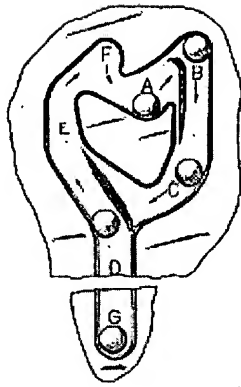


FIG. 4

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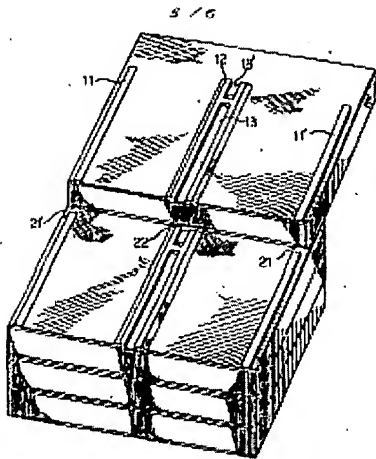


FIG. 5

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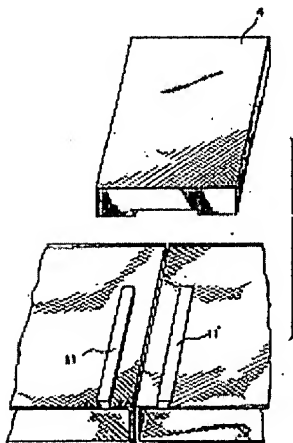


FIG. 6